

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

Case No. 12-12020 (MG)

Chapter 11

RESIDENTIAL CAPITAL, LLC., et al., Jointly Administered
Debtor(s).

RESPONSE TO DEBTOR'S THIRTEENTH OMNIBUS OBJECTION TO CLAIMS
(NO LIABILITY – BOOKS AND RECORDS TAX CLAIMS)

Comes Now, Rose Plympton, Treasurer in and for the County of Elmore, State of Idaho, a creditor in the above-captioned jointly administered bankruptcy case, and responds to the Debtors' Thirteenth Omnibus Objection to the Claim of the Elmore County Treasurer. The Debtors seek an Order disallowing and expunging the claim of the Elmore County Treasurer on the following grounds: "Unpaid taxes cited within the Proof of Claim were for a period of time after the loan paid off or after the Real Estate Owned (REO) was sold."

GMAC Mortgage, LLC, is a subsidiary/affiliate of Residential Capital LLC. The affiliated debtor, GMAC Mortgage, LLC, is the fee owner of a parcel of property located at 1585 East 11th North, Mountain Home, Idaho 83647 (lot 1, block 6, Sierra Vista #2). A copy of the Grant Deed in Lieu of Foreclosure, recorded on October 5, 2011, is attached hereto as Exhibit A; the Elmore County Parcel Master Inquiry dated July 22, 2013, as Exhibit B; the Elmore County Treasurer's Tax Master Inquiry for year 2010 and year 2011 as Exhibit C; and Elmore County's Proof of Claim (Claim #2455) as Exhibit D (to which the Tax Master Inquiry for year 2012 is attached). GMAC Mortgage, LLC, is in arrears in the amount of \$5,815.19 for real property taxes on the Mountain Home

property. The most recent property tax invoice is attached to the Proof of Claim. The current taxes and arrearages are owed to the Elmore County Treasurer.

The Elmore County Treasurer filed a proof of claim. The location of the property is clearly identifiable. The Treasurer has now provided the grant deed and current parcel inquiry, clearly establishing that GMAC Mortgage is the fee owner of the Mountain Home property. Property taxes are a statutorily-created lien. Under Idaho State law, said lien does not have to be recorded to be perfected. Said lien is a perpetual, continuous lien of first priority. See I.C. § 63-206. Further, under Idaho law, property tax may be paid in two portions – the first by December 20 of the year in which said tax is levied and the second by June 20 of the following year. I.C. § 63-903. GMAC took ownership of the Mountain Home property in October 2011, the second portion of the 2010 tax had not been paid. As such, GMAC Mortgage is responsible for the property tax and arrearages on said property.

Wherefore, the Treasurer requests that the Debtor's Thirteenth Omnibus Objection to the Claim of the Elmore County Treasurer be denied in its entirety and that the Treasurer's Claim not be disallowed or expunged. The Treasurer's Office will be available to participate in the Omnibus Hearing by telephone if necessary.

Dated this 25th day of July 2013.

Elmore County Treasurer

Rose Plympton
Rose Plympton
150 South 4th East, Suite 4
Mountain Home, Idaho 83647

EXHIBIT A

Recording requested by:
Executive Trustee Services, LLC
When recorded mail to:
GMAC MORTGAGE, LLC FKA
GMAC MORTGAGE CORPORATION
1100 VIRGINIA DRIVE
FORT WASHINGTON, PA 19034

Instrument # 0000423356
ELMORE COUNTY, ID
04:20:59 PM Oct 05, 2011
For LSI TITLE COMPANY
No. of Pages: 1 Fee: \$10.00
BARBARA STEELE, Recorder
DE, Deputy

SPACE ABOVE THIS LINE FOR RECORDER'S USE
GRANT DEED IN LIEU OF FORECLOSURE

TS# DL-255768-V Loan # 0702140683 Order No. 1005411464

The undersigned Grantor hereby declares:

The Grantee herein was the Beneficiary

The amount of the unpaid debt, together with cost, was \$185,464.54

The consideration for the transfer was \$0.00 The documentary transfer tax is \$0.00

Tax Parcel Number: RPA01830060010A

For valuable consideration, receipt of which is hereby acknowledged, **JAMES J. EAGAN, JR.** AND **SALLY ANN CARLSON EAGAN**, HUSBAND AND WIFE hereby grants to **GMAC MORTGAGE, LLC FKA GMAC MORTGAGE CORPORATION** the following described real property in the city of , County of **Elmore**, State of **Idaho**.

LOT 1 IN BLOCK 6 OF SIERRA VISTA SUBDIVISION NO. TWO, MOUNTAIN HOME, ELMORE COUNTY, IDAHO, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF ELMORE COUNTY, IDAHO.

Date: 27/09/2011

✓ By: 

JAMES J. EAGAN, JR.

✓ By: 

SALLY ANN CARLSON EAGAN

STATE OF OHIO } SS
COUNTY OF GREENE }
}

On 27 Sept 2011 before me, REBECCA A. STAMMEN, a Notary Public in and for said County and State personally appeared JAMES J. EAGAN JR and SALLY ANN CARLSON EAGAN who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of Ohio that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Rebecca A. Stammen

REBECCA A. STAMMEN, TSgt USA

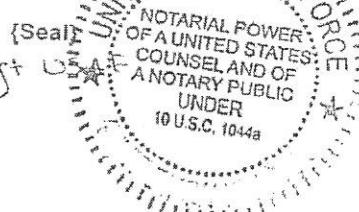


EXHIBIT B

7/22/13

PMO100 - PARCEL MASTER INQUIRY

14:11:15

PARCEL: RP A01830060010 A F1=SL

F10=SW

F12=RC

F17=DD F19=SP

F24=LD

GMAC MORTGAGE, LLC

*TREND - LEGAL DESCRIPTION

LOT 1

BLK 6

SIERRA VISTA #2

1100 VIRGINIA DR

CODE AREA 1-0000 OWNER CD

PARC TYPE LOC CODE 100

EFFDATE 1201994 EXPDATE

PREV PARCEL

CAT/ST#	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
20 1	2011	314	AC	29453				
41 1	2011			72693				

TOTALS 314 102146

ENTER NEXT PARCEL NUMBER RP

A

 FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
 F8=CT F13=TM F18=HS F20=Srch F22=EU

EXHIBIT C

14:06:36
7/22/2013

TAX MASTER INQUIRY - ELMORE COUNTY TAX COLLECTOR
TX0040 ROSE PLYMPTON 587-2138 #501
150 S 4TH EAST SUITE 4
MTN HOME ID 83647-3000

PMPKEY: RP A01830060010 A YEAR 2011
TXPKEY: RPA01830060010A
NAME GMAC MORTGAGE, LLC

BILLED TO:	GMAC MORTGAGE, LLC	BILL#	5867
CODE AREA	1-0000	ACCT TYP	
BANK	FLB	OWNER	PUP

ADDRESS 1100 VIRGINIA DR

FORT WASHINGTON PA 19034

LEGAL LOT 1
BLK 6
SIERRA VISTA #2

1585 E 11TH

N 83647

MARKET VALUE	112,570
HARDSHIP	
HOMEOWNER	
NET MARKET	
TAX AMOUNT	112,570
LESS: CIRCUIT	2,353.46
PLUS: SPECIALS	
NET TAX BILLED	
TAX PAYMENTS	
TAX CANCELLED	
SPEC CANCELLED	
REMAINING TAX DUE	49.58
	2,403.04
	2,403.04

14:06:40
7/22/2013

TAX MASTER INQUIRY - ELMORE COUNTY TAX COLLECTOR
TX0040 ROSE PLYMPTON 587-2138 #501
150 S 4TH EAST SUITE 4
MTN HOME ID 83647-3000

PMPKEY: RP A01830060010 A YEAR 2010

TXPKEY: RPA01830060010A

NAME GMAC MORTGAGE, LLC

BILLED TO:	EAGAN, JAMES J JR	BILL#	5902
CODE AREA	1-0000	ACCT TYP	
BANK BACT	FLB	OWNER	PUP

ADDRESS 1100 VIRGINIA DR

FORT WASHINGTON PA 19034

LEGAL LOT 1
BLK 6
SIERRA VISTA #2

1585 E 11TH

N 83647

MARKET VALUE	149,144
HARDSHIP	
HOMEOWNER	74,572
NET MARKET	74,572
TAX AMOUNT	1,437.84
LESS: CIRCUIT	
PLUS: SPECIALS	49.58
NET TAX BILLED	1,487.42
TAX PAYMENTS	
TAX CANCELLED	743.71
SPEC CANCELLED	
REMAINING TAX DUE	743.71

EXHIBIT D

B 10 Modified (Official Form 10) (12/11)

COPY

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK		PROOF OF CLAIM
Name of Debtor: GMAC MORTGAGE, LLC	Case Number: 12-12032 (MG)	
NOTE: This form should not be used to make a claim for an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) arising after the commencement of the case. A "request" for payment of an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): ELMORE COUNTY		<input type="checkbox"/> Check this box if this claim amends a previously filed claim.
Name and address where notices should be sent: ELMORE COUNTY 150 S 4E STE 4 ELMORE COUNTY TREASURER MOUNTAIN HOME, ID 83647	NameID: 10693017	Court Claim Number: _____ (If known)
Telephone number: (208) 587-2138 Ext. 501	email: asloan@elmorecounty.org	Filed on: _____
Name and address where payment should be sent (if different from above): Telephone number: _____ email: _____		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
<p>1. Amount of Claim as of Date Case Filed: \$ <u>5,815.19</u> PLUS 2% LATE CHARGE, PLUS 1% INTEREST PER MONTH If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input checked="" type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.</p> <p>2. Basis for Claim: <u>PROPERTY TAX</u> (See instruction #2)</p> <p>3. Last four digits of any number by which creditor identifies debtor: <u>0 1 0 A</u></p> <p>3a. Debtor may have scheduled account as: (See instruction #3a)</p> <p>3b. Uniform Claim Identifier (optional): (See instruction #3b)</p> <p>4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: <u>LOT 1, BLK 6, SIERRA VISTA #2</u> Value of Property: \$ <u>96,439.00</u> Annual Interest Rate <u>12</u> % <input checked="" type="checkbox"/> Fixed <input type="checkbox"/> Variable PLUS 2% LATE CHARGE (when case was filed) PLUS 1% INTEREST PER MONTH Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ <u>5,815.19</u></p> <p>Basis for perfection: _____</p> <p>Amount of Secured Claim: \$ <u>5,815.19</u> PLUS 2% LATE CHARGE PLUS 1% INTEREST PER MONTH Amount Unsecured: \$ _____</p> <p>6. Claim Pursuant to 11 U.S.C. § 503(b)(9): Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before May 14, 2012, the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim. \$ _____ (See instruction #6)</p> <p>7. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #7)</p> <p>8. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #8, and the definition of "redacted".)</p> <p>DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain: _____</p> <p>9. Signature: (See instruction #9) Check the appropriate box. <input type="checkbox"/> I am the creditor. <input checked="" type="checkbox"/> I am the creditor's authorized agent. (Attach copy of power of attorney, if any.) <input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. (See Bankruptcy Rule 3004.) <input type="checkbox"/> I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)</p> <p>I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief. Print Name: <u>Rose Plympton</u> Title: <u>Elmore County Treasurer</u> Company: <u>Elmore County</u></p> <p>Address and telephone number (if different from notice address above): _____</p> <p>Telephone number: _____ Email: _____</p> <p><i>Rose Plympton</i> (Signature)</p> <p>11/01/2012 (Date)</p> <p>RECEIVED NOV 06 2012</p> <p>KURTZMAN CARSON CONSULTANTS</p> <p>COURT USE ONLY</p>		

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

9:26:48
11/01/2012

TAX MASTER INQUIRY - ELMORE COUNTY TAX COLLECTOR
TXO040 ROSE PLYMPTON 587-2138 #501
150 S 4TH EAST SUITE 4
MTN HOME ID 83647-3000

PMPKEY: RP A01830060010 A YEAR 2012

TXPKEY: RPA01830060010A

NAME GMAC MORTGAGE, LLC

BILLED TO:	GMAC MORTGAGE, LLC	BILL#	5812
CODE AREA	1-0000	ACCT TYP	
BANK	FLB	OWNER	PUP

ADDRESS 1100 VIRGINIA DR

FORT WASHINGTION PA 19034

LEGAL LOT 1
BLK 6
SIERRA VISTA #2

MARKET VALUE	96,439
HARDSHIP	
HOMEOWNER	
NET MARKET	
TAX AMOUNT	96,439
LESS: CIRCUIT	2,142.00
PLUS: SPECIALS	
NET TAX BILLED	49.58
TAX PAYMENTS	
TAX CANCELLED	
SPEC CANCELLED	
REMAINING TAX DUE	2,191.58

1585 E 11TH N 83647

DATE 11/01/2012
TIME 9:26:18C O M P U T E R A S S I S T E D T A X S Y S T E M
TAX DUE WITH LATE CHARGE AND INTEREST
TX0050

PAGE 3

ELMORE COUNTY TAX COLLECTOR
ROSE PLYMPTON 587-2138 #501
150 S 4TH EAST SUITE 4
MTN HOME ID 83647-3000

RP A01830060010 A

INTEREST AS OF DATE 11/01/2012

NAME GMAC MORTGAGE, LLC

LOT 1

BLK 6

ADDR 1100 VIRGINIA DR SIERRA VISTA #2

FORT WASHINGTON PA 19034

TAX KEY	YEAR	BILL#	TAX	LATE	INTEREST	COST	TOTAL
RPA01830060010A	12 FH	5812	1095.79				1,095.79
RPA01830060010A	12 SH	5812	1095.79				1,095.79
RPA01830060010A	11	5867	2403.04	48.06	246.58		2,697.68
RPA01830060010A	10	5902	743.71	14.87	167.35		925.93
CURRENT DUE		3,623.61	TA AMOUNT			TOTAL DUE	5,815.19

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on the 26th day of July 2013, I caused a true and correct copy of the foregoing document to be served upon the following people by the following methods.

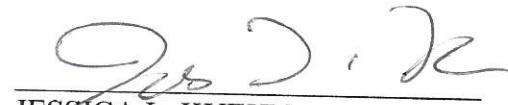
Morrison & Foerster, LLP
Attention: Jordan A. Wishnew, Esq
1290 Avenue of the Americas
New York, New York 10104
Facsimile: (212) 468-7900
Attorneys for Debtor

Facsimile
 Electronic Filing

Kramer Levin Naftalis & Franklin, LLP
Attention: Kenneth H. Eckstein, Esq.
Douglas H. Mannal, Esq.
1117 Avenue of the Americas
New York, New York 10036
Facsimile: (212) 715-8000
Attorneys for the Official Committee of Unsecured Creditors

Facsimile
 Electronic Filing

DATED This 26th day of July 2013.


JESSICA L. KUEHN
Deputy Prosecuting Attorney
Elmore County Prosecutor's Office